

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION NO. 348 OF 2022
IN
TESTAMENTARY PETITION NO. 1713 OF 2021

Mradula Vijaykumar Shah

...Applicant/
Petitioner

And

Vijaykumar Nathubhai Shah

...Deceased

Mr. S.U. Lakdawala for the Applicant/Petitioner.

CORAM : R.I. CHAGLA J

DATE : 25 February 2022

ORDER :

1. Heard learned Counsel for the Applicant.
2. By this Interim Application, the Applicant is seeking permission to amend the Petition for Letters of Administration to the property and credits of the deceased Vijaykumar Nathubhai Shah in terms of draft amendment annexed at Exh.B to the Interim Application along with the

SHARAYU
PANDURANG
KHOT

Digitally signed
by SHARAYU
PANDURANG
KHOT
Date:
2022.03.02
11:20:24
+0530

consequential amendments.

3. The Applicant had filed the Petition for Letters of Administration of the property and credits of the deceased. This Court issued the grant in favour of the Petitioner on 27th October 2021.

4. The Applicant has stated that after issuance of grant, it came to the knowledge of the Petitioner that certain shares/securities had not been incorporated in the Schedule of Assets because of which the Petitioner was unable to lodge the Petition for shares standing in the name of the deceased.

5. The Applicant has in paragraph 3 stated that the legal heir of deceased include the Petitioner who is the widow of deceased Vijaykumar Nathubhai Shah and two married daughters of the deceased. Other than the aforementioned, there are no other legal heir surviving the deceased. The other legal heirs of the deceased being married daughters of the deceased have filed their Consent Affidavits dated 13th January 2022 giving full and free consent in favour of the

Petitioner for amendment and grant of Letters of Administration of the deceased to be granted in favour of the Petitioner without service of any citation/notice upon them and without any sureties being justified in the estate for their share left by the deceased.

6. Having considered the submissions of the learned Counsel for the Petitioner and averments in the Interim Application, a case is made out for grant of relief sought for in the Interim Application. Hence the following order :-

- (i) The Applicant is permitted to amend the Schedule of the Petition in terms of the draft amendment at Exh.B to the Interim Application along with consequential amendments.
- (ii) Amendment shall be carried out within a period of two weeks from the date of this order.
- (iii) Re-verification is dispensed with.

(iv) The testamentary department is directed to accept the original grant of Letters of Administration for amendment.

(v) Interim Application is accordingly disposed of in the above terms.

[R.I. CHAGLA J.]